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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,954	04/05/2004	Erik J. Shahoian	IMMR-0098B	2293

60140 7590 06/08/2006

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EXAMINER

EISEN, ALEXANDER

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 46-55, drawn to a mouse with an eccentric mass actuator, classified in class 345, subclass 163.
 - II. Claims 56-64, drawn to a mouse having a movable portion with a magnet and main portion with a rotating mass actuator, classified in class 345, subclass 163.
 - III. Claims 65-72, drawn to a mouse having a movable portion and main portion with a rotating mass actuator and stop member, classified in class 345, subclass 163.
 - IV. Claims 73-78, drawn to mouse having a movable portion with a magnet and main portion with a moving magnet actuator, classified in class 345, subclass 163.
 - V. Claims 79-84, drawn to a mouse having a movable portion and a second portion with a linear actuator, classified in class 345, subclass 163.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I through V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, albeit all inventions are classified in the same class they are different from each other, because none of them as claimed are required the particulars of the others, all have different implementations, structural components and operational means and therefore are distinct, independent and not obvious variations.

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3. Because these inventions are independent or distinct for the reasons given above and the inventions require a different search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Eisen whose telephone number is (571) 272-7687. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alexander Eisen
Primary Examiner
Art Unit 2629

30 May 2006